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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,294

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Jesper Henrik Faurholdt

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01/15/2009

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,294	Applicant(s) FAURHOLDT ET AL.	
	Examiner CHI Q. NGUYEN	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to applicant's amendment filed on 11/15/2008.

Status of Claims

Claims 1-12 are pending.

Drawings

The drawing of Fig. 4 was received on 11/15/2008. The drawing of Fig. 4 has been accepted by the examiner.

Specification

The disclosure is objected to because of the following informalities: the headings are missing.

Appropriate correction is required.

Claim Objections

Claims 2-12 are objected to because of the following informalities: the claimed preamble for claims 2-12 should read –The sheet flashing--instead of “A sheet flashing”. Appropriate correction is required.

Claim 10 is objected to because of the following informalities: the cited limitation “A sheet flashing member as defined in claim 9, comprising” should read –A sheet flashing member as defined in claim 9, further comprising—Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "may be" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). And also the applicant is advised to replace a phrase "characterized" by –comprised- or –comprising--. Correction is required. Depending claims 2-12 depending upon the rejected claim 1 are also rejected.

Regarding claim 2, the phrase "etc." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 7, the phrase "can be removed" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 10, the phrase "can be adapted" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,401,402 to Williams.

Claim 1: Williams discloses in Figs. 1-6, a sheet flashing member (25L or 25R) comprising: a sheet section defining a plane and including a main portion (25H) as well as first and second corner segments (wherein 29 and 30 point to on each of the corner), the main portion extending along a portion of a roof penetrating structure and the corner segments extending along other portions of the roof penetrating structure perpendicularly to the main portion, and at least one flange (25U) arranged at an angle relative to the plane of the sheet section and adapted to engage a surface of a roof penetrating building structure, comprises in that at least one of said corner segments at a surface thereof comprises at least one indication (29, 30) indicating a pattern, such that at least a part of the sheet section may be separated from the remaining part of the flashing member along the indications in order to transform the respective corner segment from an initial state to a transformed state.

Claim 2: Wherein each said indication (29, 30) comprises a visual indication in the shape of at least one longitudinally extending line or a longitudinally extending row of dots.

Claim 3: Wherein each said indication (29, 30) comprises a weakening section.

Claim 4: Wherein said weakening sections includes at least one groove 31.

Claim 5: Wherein said groove is formed by depression.

Claim 6: Wherein said weakening sections comprise a longitudinally extending cord member accommodated in the corner segment.

Claim 7: Wherein the pattern defines one or more indications delimiting an area (25J) of an end portion which, when separation has taken place, thereby can be removed.

Claim 8: Wherein the sheet section has a general longitudinal orientation, the pattern defining at least one indication (30) arranged at an oblique angle relative to the general longitudinal orientation, the oblique indication being directly or indirectly connected to a free edge of the sheet section.

Claim 9: Wherein the sheet section includes a main portion and first and second end portions define first and second corner segments, the main portion comprising an upstanding flange (25U) and the first and second corner segments comprising first and second flanges (25J of each corner) arranged substantially perpendicularly to the upstanding flange, the flanges being adapted to engage a longitudinal surface portion of a roof penetrating building structure as well as its associated corner portions (Fig. 6).

Claim 10: Further comprising a skirt element (25D) which can be adapted to engage an upper roof surface.

Claims 11-12: Wherein the first corner segment comprises an indication (29) arranged across the width thereof and generally perpendicularly to the general longitudinal orientation, and wherein the second corner segment comprises first and second indications (28, 29) defining a portion, and a third indication (30) arranged at an oblique angle relative to the general longitudinal orientation and connected to said portion.

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/C. Q. N./
Examiner, Art Unit 3635
/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635